Appl. No. 10/726,174
Response Dated September 14, 2005
Reply to Office action dated June 14, 2005

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed June 14, 2005. Claims 1, 12, 22, 26-29, 33, 39, 47-49, and 53-59 have been amended, and new claims 60-67 have been added. Support for the amendments can be found in the specification, claims, and drawings as originally filed at, for example, page 18, lines 13-16 and FIG. 19. No new matter has been added. Claims 1-67 remain pending. Reconsideration and reexamination are respectfully requested.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 12 and 39 are rejected because the specification does not enable any person skilled in the art to input an aural command. Applicants do not concede the correctness of the rejection. However, in the interest of furthering prosecution, claims 12 and 39 have been amended to recite elements not related to aural input. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 22 and 54-59 are rejected as being indefinite. The Examiner asserts that in claim 22 it is unclear as to how many parameters there are or if two parameters are being regarded as one parameter. Applicants submit that with correction of a minor typographical error, the claim language is clear. At least some of the parameters are actually a combination of a time setting and an equipment on/off setting.

Claims 33 and 54-59 have been amended to provide the required antecedent basis. Withdrawal of the rejections is respectfully requested.

Rejections under 35 U.S.C. § 102(b), 102(e), 102(a)

Claims 53, 54, and 57 are rejected as being anticipated by Nielsen et al. (US 5,187,797). Applicants respectfully traverse the rejection. Independent claim 53, as amended, recites a

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programmable controller including display means configured to <u>simultaneously</u> display a plurality of parameters and completion means to receive from a user an indication that editing is complete. Nielsen et al. do not appear to teach such elements. Nielsen et al. teach a man-machine interface that poses a hierarchy of questions that are answered by the user with only four responses: HELP, OK, and up and down arrows. The hierarchy of questions posed by the Nielsen et al. device require that one question be answered before another is posed. Nielsen et al. teach this hierarchy as providing effective communication while being user friendly. See column 2, lines 64-66, and column 3, lines 29-32. Nielsen et al. thus do not teach a display means configured to simultaneously display a plurality of parameters.

Additionally Nielsen et al. do not appear to teach a receiving means to receive from a user an indication of which parameters are to be edited. Nielsen et al. teach the interface as posing a series of questions in a step-wise sequence to ensure that the user is exposed to <u>all acceptable directives</u>, one hierarchical level at a time. The interface of Nielsen et al. thus appears to require the user to sit through all questions in order to set the parameters, unlike the instantly claimed programmable controller that has receiving means to receive from a user an indication of which of a plurality of parameters are to be edited, and setting means to receive from a user a new setting for at least one of the indicated parameters. Nielsen et al. thus does not teach or suggest each and every element of independent claim 53, or the claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Claims 1-3, 5-11, 13, 14, 16-26, 29-38, 40, 42, 43, 45-47, 50-54, 57, and 59 are rejected as being anticipated by Hoog et al. (US 2004/0193324). Applicants respectfully traverse the rejection. Independent claims 1 and 33, as amended, recite a method and an HVAC controller, respectively, that allow a user to indicate that parameter modification is complete, and then providing an indication to the user that the one or more modified parameters has been or will be saved. Independent claim 53 recites a programmable controller including completion means to receive from a user an indication that editing is complete, wherein the completion means is not the same as a receiving means or a setting means. Hoog et al. do not appear to teach such method steps or controller features.

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Hoog et al. teach a programmable thermostat in which each command is audibly confirmed. See paragraph [0043]. Hoog et al. teach the thermostat program as allowing the user to input selected parameters, saving the input in memory, and then waiting for the user to complete the programming process by pushing the RUN button to complete the process. See paragraph [0075]. Hoog et al. optionally announces new settings before the user pushes the RUN button. In the instant invention, the reverse is done. The user is allowed to modify parameters as desired, then once the user is satisfied, the user indicates that parameter modification is complete, and finally, the system provides an indication that the modified parameters will be or are being saved.

Hoog et al. teaches allowing a user to modify parameters, saving the parameters, and lastly allowing the user to complete the programming by pushing the RUN button. The controller of Hoog et al. thus involves the user pushing the RUN button for a number of commands. The method and controller of Hoog et al. differs from the instant claims, in which the user is allowed to modify at least one parameter, then allowing the user to indicate that parameter modification is complete, and lastly indicating to the user that the modified parameter is or will be saved. Hoog et al. thus fail to teach each and every element of independent claims 1, 33, and 53, and the claims dependent thereon. Additionally, there is no motivation for one of ordinary skill in the art to modify the method and controller of Hoog et al. to achieve the instant invention. Withdrawal of the rejection is respectfully requested.

Claims 1-3, 5, 6, 8-11, 13, 14, 16-19, 24, 26-28, 30-38, 40, 42, 47-49, 51-55, 57, and 58 are rejected as being anticipated by Cottrell (US 2002/0005435). Applicants respectfully traverse the rejection. Independent claims 1 and 33, as amended, recite a method and an HVAC controller, respectively, that allow a user to indicate that parameter modification is complete, and then providing an indication to the user that the one or more modified parameters has been or will be saved. Independent claim 53 recites a programmable controller including completion means to receive from a user an indication that editing is complete, wherein the completion means is not the same as a receiving means or a setting means. Cottrell does not appear to teach such elements.

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Cottrell teaches a controller that provides an immediately perceptible confirmation of the settings input by the user. See paragraph [0027]. Cottrell also teaches that after every setting is made and displayed, the user verifies it and confirms it. See paragraph [0042]. Cottrell does not appear, however, to teach a controller or method in which the user is allowed to indicate that parameter modification is competed, and then provide an indication to the user that the modifications are or will be saved. Cottrell thus does not teach each and every element of independent claims 1, 33, and 53, or the claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Claims 1-3, 5, 6, 8-11, 13, 14, 16-19, 24, 26, 30-38, 40, 42, 47, 48, 51-54, and 57 are rejected as being anticipated by Braeburn Model 5000 owners manual. Applicants respectfully traverse the rejection. Independent claims 1 and 33, as amended, recite a method and an HVAC controller, respectively, that allow a user to indicate that parameter modification is complete, and then providing an indication to the user that the one or more modified parameters has been or will be saved. Independent claim 53 recites a programmable controller including completion means to receive from a user an indication that editing is complete, wherein the completion means is not the same as a receiving means or a setting means. The Braeburn Model 5000 owners manual does not appear to teach or suggest such elements.

The Braeburn Model 5000 owners manual describes programming the thermostat by setting the time of day and day of the week, and entering program parameters such as the set temperatures for various times of the day. The Braeburn owners manual describes how to review the settings and how to temporarily override the program to manually increase or decrease the desired temperature.

The Braeburn owners manual does not teach a method step or feature that would allow a user to indicate that parameter editing was completed. Further, the Braeburn owners manual does not appear to teach an indication to the user that modified parameters have been or will be saved. The Braeburn owners manual thus does not teach each and every element of the independent claims 1, 33, and 53, and the claims dependent thereon. Withdrawal of the rejection is respectfully requested.

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Claims 1-6, 8-11, 13, 14, 16-19, 24-28, 33-38, 40, 42, 47-49, and 53-58 are rejected as being anticipated by the Rite Temp 8082 disclosure. Applicants respectfully traverse the rejection. Independent claims 1 and 33, as amended, recite a method and an HVAC controller, respectively, that allow a user to indicate that parameter modification is complete before the modification is saved, and then providing an indication to the user that the one or more modified parameters has been or will be saved. Independent claim 53 recites a programmable controller including completion means to receive from a user an indication that editing is complete, wherein the completion means is not the same as a receiving means or a setting means. The Rite Temp 8082 disclosure does not appear to teach such elements.

The Rite Temp 8082 disclosure does not teach a method step or feature that would allow a user to indicate that parameter editing was completed, then saving the edited parameters. Further, the Rite Temp 8082 disclosure does not appear to teach an indication to the user that modified parameters have been or will be saved. The Rite Temp 8082 disclosure thus does not teach each and every element of the independent claims 1, 33, and 53, and the claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 12 and 39 are rejected as being unpatentable over Hoog et al. in view of Drennan (US 2003/0177012). Claims 7, 15, 41, 20-22, and 43-46 are rejected as being unpatentable over Cottrell. Claims 4 and 56 are rejected as being unpatentable over Cottrell in view of Rosen (US 2003/0142121). Hoog et al. and Cottrell each fail to teach the basic elements of the independent claims for the reasons set forth above. Drennan and Rosen do not provide what Hoog et al. and Cottrell lack. The combination of Hoog et al. and Drennan or Cottrell and Rosen thus also fail to teach or suggest the elements of the claims.

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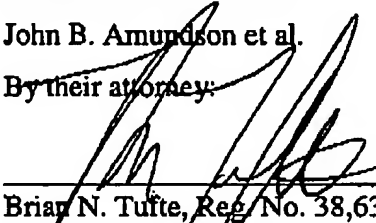Reply to Office action dated June 14, 2005

Reconsideration and reexamination are respectfully requested. It is submitted that, in

light of the above remarks, all pending claims are now in condition for allowance. If a telephone

interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Respectfully Submitted,

John B. Amundson et al.

By their attorney:

Date: SEPTEMBER 14, 2005

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